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EXAMINER

PRICE, NATHAN E

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/686,521	Applicant(s) CHUNG ET AL.	
	Examiner NATHAN PRICE	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007 and 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/19/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to communications received 05 September 2007 and 19 December 2007. Claims 1 – 27 are pending. Previous objections and rejections not included in this Office Action are withdrawn.

Response to Arguments

2. Applicant's arguments filed 05 September 2007 have been fully considered but they are not persuasive.

3. With respect to the drawing objections, Figures 1, 2 and 12 fail to conform to 37 CFR 1.84(p)(1) and 37 CFR 1.84(q) at least because reference characters are encircled and not oriented in the same direction as the view (From 37 CFR 1.84(p)(1)) and "Lead lines are required for each reference character except for those which indicate the surface or cross section on which they are placed. Such a reference character must be underlined to make it clear that a lead line has not been left out by mistake." (From 37 CFR 1.84(q)). Figures 2 and 12 fail to conform to 37 CFR 1.84(p)(3) at least because reference characters cross lines.

4. Examiner acknowledges Applicant's comments regarding a terminal disclaimer and the relevant rejections will be held in abeyance.

5. Applicant's arguments regarding double patenting rejections have been fully considered but they are not persuasive. Applicant argues (for example, p. 11) the rejections fail to comply with requirements of MPEP 804(II)(B)(1). However, the cited portion of the MPEP applies to rejections not based on an anticipation rationale (MPEP 804(II)(B)(1) ¶2). Since the rejections are based on an anticipation rationale, this argument is not persuasive.

6. With respect to the rejection involving applications 10/685,694, 10/685,696, 10/685,699 and 10/686,537, the feature Applicant appears to argue to not be anticipated is outputting buffering state in response to a report signal. Claims 7 – 9 of 10/685,694, claim 3 of 10/685,696, claim 9 of 10/685,699 and claim 4 of 10/686,537 recite APIs that perform functionality that anticipates outputting buffering state in response to a report signal as claimed in the current application.

7. Regarding the rejection of claims 19 – 22 under 35 U.S.C. 112, second paragraph, Applicant argues that the claims are not unclear because even if the recited elements of the apparatus can be implemented in software alone, the claim is not limited to software alone. Examiner's position remains that the recited elements of the apparatus can be implemented in software alone. In such embodiments, the structure of the apparatus is not clear, even if other embodiments do include a physical structure. Hardware to execute the software is not recited.

8. Regarding the rejection of claims 23 and 24 under 35 U.S.C. 112, second paragraph, see the new rejection relevant to the currently amended claims.

9. Applicant's arguments regarding rejections under 35 U.S.C. 101 have been fully considered but they are not persuasive. For the reasons presented above and in the current rejections under 35 U.S.C. 112, second paragraph, and 35 U.S.C. 101, claims 19 – 22 are interpreted as including, if not limited to, embodiments that can be implemented in software alone, which prompted the rejection under 35 U.S.C. 101 for being software, per se. Hardware to execute the software is not recited.

10. Applicant's arguments regarding rejections under 35 U.S.C. 103(a) have been fully considered but they are not persuasive.

11. Regarding claim 1, Landsman teaches the claimed markup document by supplying advertisements as HTML and JavaScript files [col. 2 lines 38 – 53; col. 5 lines 53 – 55; col. 7 line 29; col. 8 lines 53 – 57; col. 9 line 24]. Landsman teaches a different way of delivering and presenting the advertisements than the identified prior art, but it appears that HTML and JavaScript are obvious formats to use. Landsman teaches against embedding advertisement files in web pages [col. 9 line 23 – 24; col. 10 lines 22 – 31], not against supplying advertisements as HTML files. Although Landsman is not using the conventional technique of embedding content, HTML and JavaScript are identified as content formats for providing advertisement content. Both types of files are

markup documents. Applicant's own specification identifies JavaScript as an appropriate type of markup document [¶ 73]. Additionally, Goodman [see PTO-892 with this Office Action] teaches JavaScript files are markup documents [p. 17 ¶ 3].

12. With respect to the claimed interactive mode, Landsman teaches the advertisements are presented based on a user's actions [col. 10 lines 17 – 20]. The recited interactive mode is being examined based on its broadest reasonable interpretation. See definition of “interactive” in dictionary cited on PTO-892 with this Office Action. Therefore, advertisements presented based on a user's actions teaches the claimed interactive mode. The Office Action mailed 06 June 2007 addressed this interpretation of interactive mode [#8].

13. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., defining “interactive” based on specific types of user control over reproduced content (p. 29 ¶1 of REMARKS received 05 September 2007)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

14. As explained above, Landsman teaches media-rich advertisement content can be markup documents, such as HTML and JavaScript [col. 2 lines 38 – 53].

Additionally, Landsman teaches the advertisement content is preloaded [col. 16 lines 65 – 67]. Therefore, Applicant's argument that loading is different from preloading is not persuasive with respect to whether or not Landsman teaches markup documents are preloaded as claimed.

15. Regarding outputting buffering state in response to a report signal, Landsman teaches the advertisements are presented in response to a trigger if the files are fully cached (state is fully cached) [col. 26 lines 43 – 49; col. 35 lines 11 – 12]. Even if Landsman provides other ways of determining if a file is cached as argued by Applicant, Landsman also teaches an API providing information about downloading operations [col. 35 lines 3 – 6]. The files must be downloaded and fully cached before they can be played and the API provides control information regarding these operations.

Silberschatz provides additional information regarding signaling the status of a buffer. One of ordinary skill in the art would have been motivated to combine the references because Landsman does not specify exactly what types of information related to downloading operations and Silberschatz teaches what information would be useful in such situations.

16. Applicant's argument regarding claim 8 involves an [obj].isCached(URL, resType) API. It is believed Applicant intended this argument to be directed towards claim 7. With respect to the API of claim 7, Landsman teaches the advertisements are presented in response to a trigger if the files are fully cached (state is fully cached) [col.

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26 lines 43 – 49; col. 35 lines 11 – 12]. Landsman also teaches an API providing information about downloading operations [col. 35 lines 3 – 6]. The files must be downloaded and fully cached before they can be played and the API provides information regarding these operations. Regarding the parameters, Landsman teaches identifying advertisements by file name (attribute) and web address [col. 12 lines 24 – 26]. Therefore, the claimed API is obvious to one of ordinary skill in the art in view of the cited references.

17. As to claim 19, see the response regarding claim 1.

18. With respect to claims 2 – 6, 8 – 14 and 20 – 22, the limitations inherited from claims 1, 7 and/or 19 are rejected for the reasons presented in response to Applicant's arguments regarding claims 1, 7 and/or 19.

19. Regarding claims 15 – 18, Klug identifies types of information about download progress. Klug teaches indicating progress and total size [col. 6 lines 10 – 12]. Klug implies indicating remaining size and length by teaching indicating wait time (how much time remains) and identifying size and length as useful units of measure [col. 6 lines 10 – 12; col. 8 lines 6 – 9, 15 – 16]. Therefore, it is obvious in view of Klug to provide information regarding progress, remaining length, total size and remaining size with the API of Landsman. In addition to the motivation to combine the teachings provided in the rejections of claims 15 – 18, Landsman teaches providing information about

downloading operations [col. 35 lines 3 – 6] and Klug teaches types of useful information about download operations [col. 6 lines 10 – 12; col. 8 lines 6 – 9, 15 – 16].

20. Regarding ENAV and claims 23 and 24, see current rejections under 35 U.S.C. 112, second paragraph.

21. Applicant's arguments with respect to claims 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

22. Regarding new claims 25 – 27, see the current rejections.

Information Disclosure Statement

23. Reference “AM” (Taylor et al.) cited on the IDS received 19 December 2007 has been considered based only on the quotation provided by Applicant on page 6 of the response received 19 December 2007. Applicant's explanation for not submitting a copy of the reference is provided after the quotation.

Drawings

24. The drawings are objected to because Figures 1, 2 and 12 fail to conform to 37 CFR 1.84(p)(1) and 37 CFR 1.84(q) and Figures 2 and 12 fail to conform to 37 CFR 1.84(p)(3). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

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be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

25. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7 – 9 of copending Application No. 10/685,694. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 7 – 9 of the copending application anticipate claim 1 of Application No. 10/686,521.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

26. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 3 of copending Application No. 10/685,696. Although the conflicting claims are not identical, they are not patentably distinct from each other because using the data storage medium of claim 3 of the copending application anticipates claim 1 of Application No. 10/686,521. Using the data storage medium requires an apparatus.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

27. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/685,697. Although the conflicting claims are not identical, they are not patentably distinct from each other because using the data storage medium of claim 17 of the copending application anticipates claim 1 of Application No. 10/686,521. Using the data storage medium requires an apparatus.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

28. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of copending Application No. 10/685,699. Although the conflicting claims are not identical, they are not patentably distinct from each other because using the data storage medium of claim 9 of the copending application anticipates claim 1 of Application No. 10/686,521. Using the data storage medium requires an apparatus.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

29. Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 4 of copending Application No. 10/686,537. Although the conflicting claims are not identical, they are not patentably distinct from each other because using the data storage medium of claim 4 of the

compending application anticipates the apparatus. Using the data storage medium requires an apparatus.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

30. Claims 19 – 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

31. Claims 19 – 22 recite an apparatus for controlling a buffer, but the apparatus does not appear to include the buffer. It appears that the elements of the apparatus, specifically the buffer manager, can be implemented in software alone. The claims do not appear to recite structural elements. Therefore, it is not clear that the claimed subject matter can be accurately described as an apparatus.

32. Claims 23 – 24 recite the term “ENAV”. The meaning of “ENAV” is not clearly defined. Therefore, the claims fail to clearly define the metes and bounds of the

claimed subject matter. The term is indefinite because the specification does not clearly define the term.

Applicant appears to be relying on ENAV being an accepted term with an established definition in the related art. Applicant's response (received 19 December 2007) concedes that the term is not defined in the foreign priority applications (p. 5 ¶1). However, documents cited by Examiner, as well as documents cited by Applicant, indicate that the features supported by ENAV were not clear to those of ordinary skill in the art around the time of Applicant's filing. For example, Taylor et al. (cited by Applicant in response received 19 December 2007) states that the ENAV specification neared completion in middle of 2003 (see ¶ quoted by Applicant on p. 6 of response received 19 December 2007). This is after some of Applicant's claimed foreign priority dates (the earliest of which is 17 October 2002). Additionally, Sharpless (cited by Applicant in response filed 19 December 2007), which was published 30 July 2003, after some of Applicant's claimed foreign priority dates, suggests that version 1.0 of the ENAV specification was not available at the time of publication (p. 22 last ¶).

Accordingly, it is not clear what metes and bounds are defined by the term "ENAV" in the foreign priority documents or what definition should then be given to its use in the US application.

Examiner has been unable to obtain a copy of the ENAV specification or determine the date that it became available to those of ordinary skill in the art. The requirement for information (mailed 19 October 2007) included a requirement for the ENAV specification (item B(1)(a) and B(1)(b)). It is noted that Applicant's response (received 19 December 2007) indicated that these items were "...unknown to or is not readily available to the applicants and the assignee..." (p. 5 ¶3). Accordingly, the complete metes and bounds of the term "ENAV" appears to have been undefined and undisclosed at least at the time of Applicant's earliest claimed priority date.

For the purpose of examination, the term "ENAV" has been interpreted to mean any functionality related to presentation or reproduction of audio/video content, such as DVD, streaming video and web content.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

33. Claims 19 – 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite an apparatus for controlling a buffer, but the apparatus does not appear to include the buffer. It appears that the elements of the apparatus, specifically the buffer manager, can be implemented in software alone, making the claims software, per se. Even though the claim states

that the manager is part of an apparatus, it appears that the recited elements of the apparatus can be implemented in software alone. Therefore, the claims are rejected as being directed toward non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claims 1 – 14, 19 – 22 and 25 – 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al. (US 6,466,967 B2; hereinafter Landsman) in view of Silberschatz (Silberschatz, Avi, Peter Galvin and Greg Gagne, “Applied Operating System Concepts,” First Edition, John Wiley & Sons, Inc., 2000.).

35. As to claim 1, Landsman teaches an apparatus for reproducing AV data using a markup document in an interactive mode, comprising:

a buffer which buffers the markup document [col. 9 lines 23 – 55; col. 10 lines 5 – 31; col. 26 lines 43 – 49]; and

a buffer manager which manages the buffer to preload the markup document [col. 16 line 56 – col. 17 line 9; col. 26 lines 43 – 49].

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36. Although Landsman fails to specifically state outputting buffering state information, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to output buffering state information of the buffer in response to a report signal because Landsman teaches that the advertisement can not be played until after it is cached [col. 26 lines 43 – 49], motivating one of ordinary skill in the art to provide a way to determine if it is cached. Furthermore, Silberschatz teaches outputting state information of a buffer [page 427 # 6 – 8].

37. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Landsman teaches performing I/O in a computer system and Silberschatz teaches the details of servicing I/O requests.

38. As to claim 2, Landsman teaches a content decoder which interprets the markup document and outputs the report signal, wherein the buffer manager informs the content decoder of the buffering state information of the buffer in response to the report signal [col. 15 lines 51 – 67; col. 25 lines 39 – 48; col. 26 lines 20 – 49].

39. As to claim 3, Landsman teaches the content decoder generates the report signal using an API [col. 34 line 66 – col. 35 line 18].

40. As to claim 4, Landsman teaches the API serves to notify the content decoder of whether preloading of the markup document succeeded, or whether the markup document is still being loaded [col. 26 lines 43 – 49; col. 34 line 66 – col. 35 line 18].

41. Landsman fails to specifically teach indicating that preloading failed. However, Silberschatz teaches providing an error notification for I/O calls [page 422 ¶ 3], which makes it obvious to one of ordinary skill in the art to provide notifications of errors regarding preloading or downloading data.

42. As to claim 5, Landsman fails to specifically teach returning a value based on success, failure or incomplete loading. However, Silberschatz teaches returning values depending on the current state, including success, failure and incomplete [page 422 ¶ 3; page 427 # 6 – 8].

43. As to claim 6, Landsman teaches the content decoder generates the report signal using an API, which includes at least one of a file path and an attribute of the markup document as a parameter [col. 12 lines 15 – 38; col. 34 line 66 – col. 35 line 18].

44. As to claim 7, Landsman teaches the content decoder generates the report signal using an [obj].isCached(URL, resType) API, where the URL is a parameter indicating a file path of the markup document and the resType is a parameter indicating

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an attribute of the markup document [col. 12 lines 15 – 38; col. 26 lines 43 – 49; col. 34 line 66 – col. 35 line 18].

45. As to claim 8, Landsman modified by Silberschatz teaches the buffer manager informs the content decoder of a buffering state of the markup document utilizing an API [Landsman: col. 26 lines 43 – 49; col. 34 line 66 – col. 35 line 18] [Silberschatz: page 427 # 6 – 8].

46. As to claim 9, Landsman teaches a content decoder which interprets the markup document, wherein the buffer manager transfers the markup document from the buffer to the content decoder in response to a reproduce signal [col. 22 lines 46 – 64].

47. As to claim 10, Landsman teaches a content decoder which interprets the markup document, wherein the content decoder outputs a release signal to the buffer manager indicating that the markup document therein brought from the buffer, in response to a reproduce signal, is not in use [col. 32 lines 35 – 45].

48. As to claim 11, Landsman teaches the content decoder outputs the release signal to the buffer manager in response to the markup document no longer being displayed in a screen of a display device [col. 22 lines 46 – 65; col. 32 lines 35 – 45].

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49. As to claim 12, Landsman teaches a content decoder which interprets the markup document, wherein the buffer manager deletes the markup document from the buffer in response to a discard signal output from the content decoder [col. 22 lines 46 – 65; col. 32 lines 35 – 45].

50. As to claim 13, Landsman teaches the content decoder generates the discard signal using a discard API [col. 22 lines 46 – 65; col. 32 lines 35 – 45; col. 34 line 66 – col. 35 line 18].

51. As to claim 14, Landsman teaches the content decoder generates the report signal using a progressNameOfFile API to determine a file name of the markup document currently being preloaded [col. 11 lines 9 – 39; col. 12 lines 15 – 31; col. 26 lines 43 – 49; col. 34 line 66 – col. 35 line 18].

52. As to claim 19, see the rejections of claims 1, 2 and 4.

53. As to claim 20, see the rejection of claim 3.

54. As to claim 21, Landsman teaches the information of the buffer further includes information indicating whether a command to preload the markup document has been successfully received [col. 26 lines 43 – 49].

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55. As to claim 22, Landsman teaches the information of the buffer further includes information indicating whether preloading of the markup document is completed [col. 26 lines 43 – 49].

56. As to claim 25, Landsman teaches a reader which reads a preload- list file before the reproducing of the AV data begins; wherein the buffer manager manages the buffer to preload the markup document based on contents of the preload-list file before the reproducing of the AV data begins [col. 12 lines 15 – 38; col. 16 lines 56 – 67].

57. As to claim 26, Landsman teaches the preload-list file contains information identifying at least one markup document that is to be preloaded into the buffer under the control of the buffer manager before the reproducing of the AV data begins [col. 12 lines 15 – 38; col. 16 lines 56 – 67].

58. As to claim 27, Landsman teaches the reader reads the preload-list file from an information storage medium [col. 12 lines 15 – 38; col. 16 lines 56 – 67; col. 26 lines 16 – 19].

59. Claims 15 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman in view of Silberschatz as applied to claim 2 above, and further in view of Klug et al. (US Pat. 5,996,007; hereinafter Klug).

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60. As to claim 15, Landsman fails to specifically teach reporting how much of the document has been preloaded. However, Klug teaches the content decoder generates the report signal using a `progressLengthOfFile` API to determine how much of the markup document currently being preloaded has been preloaded [col. 6 lines 5 – 21].

61. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these references because both teach displaying content, such as advertisements, while other pages are loading, motivating one of ordinary skill in the art to consider combining the features of the two disclosures.

62. As to claim 16, Landsman fails to specifically teach reporting how much has not been preloaded. However, Klug teaches, or at least implies, the content decoder generates the report signal using a `remainLengthOfFile` API to determine how much of the markup document currently being preloaded is yet to be preloaded [col. 6 lines 5 – 21; col. 8 lines 6 – 16].

63. As to claim 17, Landsman fails to specifically teach reporting a total size. However, Klug teaches the content decoder generates the report signal using a `totalLoadingSize` API to determine a total load of the markup document to be preloaded [col. 6 lines 5 – 21].

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64. As to claim 18, Landsman fails to specifically teach reporting how much has not been preloaded. However, Klug teaches, or at least implies, the content decoder generates the report signal using a remainLoadingSize API to determine how much of a total load of the markup document is yet to be preloaded [col. 6 lines 5 – 21; col. 8 lines 6 – 16].

65. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US 6,580,870 B1; “Kanazawa”) in view of Sullivan (See PTO-892 mailed with this Office Action).

66. As to claim 23, Kanazawa teaches an apparatus for recording and/or reproducing AV data using a markup document in an interactive mode, comprising:

an AV buffer which buffers the AV data [col. 14 lines 40 – 65; col. 15 lines 11 – 27];

an AV reproduction engine which decodes the AV data [col. 14 lines 40 – 65; col. 15 lines 11 – 27];

an ENAV engine which decodes the markup document [col. 11 lines 43 – 61];

and

means for obtaining the markup document [col. 11 lines 43 – 47].

67. Kanazawa fails to specifically teach an ENAV buffer which preloads the markup document as claimed. However, Sullivan teaches an enhanced navigation (ENAV)

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buffer which preloads the markup document to reproduce the AV data in the interactive mode; and an ENAV engine which identifies buffering state information of the markup document and decodes the markup document [p. 75 ¶ 1 – 2; p. 78 ¶ 1 – 3; p. 95 ¶ 1 – p. 96 ¶ 4; p. 97 last ¶; p. 177 last ¶; p. 33 ¶ 2; p. 45 ¶ 2]. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Kanazawa teaches downloading web content in a multimedia environment and Sullivan teaches details of the types of web content and how the content is delivered and presented.

68. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa in view of Sullivan as applied to claim 23 above, and further in view of Silberschatz (see PTO-892 mailed 12 December 2006).

69. As to claim 24, Kanazawa teaches obtaining the markup document, but fails to specifically teach blocked I/O and unblocked I/O. However, Silberschatz teaches using a blocked I/O method in response to obtaining data from a data storage medium [page 418 ¶ 5] and an unblocked I/O method in response to obtaining data from a network [page 418 ¶ 2]. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because Kanazawa teaches what data needs to be transferred and Silberschatz teaches how to implement the data transfers.

Conclusion

70. The prior art made of record on the P.T.O. 892 that has not been relied upon is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

71. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

72. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN PRICE whose telephone number is (571)272-4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP

/Thomson D. William/

Supervisory Patent Examiner, Art Unit 2194